(15)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Appeal No. 270 of 2007

Appellant Petitioner : Francis Xavier Beck, S/o Late Habil Beck, aged about 38 years, R/o Indira Nagar village Fundurdihari, Ambikapur, District Sarguja, (Chhattisgarh).

Versus

Respondents

1. State of Chhattisgarh, Through : Secretary Home D.K.S. Bhawan Raipur, District Raipur, (Chhattisgarh).
2. Director General of Police Chhattisgarh, Raipur, district Raipur, (Chhattisgarh).
3. Inspector General of Police, Chhattisgarh, Raipur, District Raipur, (Chhattisgarh)
4. Superintendent of Police Sarguja, District Sarguja, (Chhattisgarh)
5. Ashwini Shriwastava, Sub Inspector (M) 10th Wahini, Chhattisgarh Arms Force Sarguja (Chhattisgarh).

Writ Appeal under Section 2(1) of the C.G. High Court, Appeal to Division Bench Act 2006

Present : Shri JS Barik, counsel for the appellant.
Shri NK Agrawal, Deputy Government Advocate for the State.

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ORAL ORDER

(Passed on 29th October, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

This appeal arises out of judgment passed in writ petition (S) No.4856/2007 by Hon'ble Single Judge dismissing the writ petition filed by the petitioner/appellant wherein the petitioner has challenged his transfer order on the basis of malice alleged against one State Minister. When enquired about the details of the State Minister, we have been informed by learned counsel for the petitioner that he is not aware about portfolio of the said minister, whether Home Department or some other department. Learned counsel for the appellant further informs that the Minister concerned has written a letter for transfer of respondent No.5 at Surguja. However there is no recommendation that the petitioner should be displaced in the process. The petitioner has been transferred on the local arrangement by the Superintendent of Police, who has all the authority to transfer a person in his own district.

The transfer orders can only be interfered in view of the judgments of the Apex Court and other High Courts on the ground of violation of law or *mala fide.* There is no allegation regarding the violation of law. However, there is faint allegation of *mala fide* against the State Minister, which the petitioner could not

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substantiate before the Hon'ble Single Judge. Further, Minister was not impleaded as party to defend himself. Learned counsel for the appellant failed to substantiate points raised by him. Even though we afforded an opportunity to learned counsel for the petitioner, he could not substantiate the same. In absence of the ingredients referred to hereinabove, no interference is warranted in this appeal. Accordingly, this appeal is dismissed.

Sd/-
Acting Chief Justice

Sd/-
Satish K. Agnihotri
Judge

padma